

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 7, 2002 4:30 P.M.

JAZZ MUSIC PRESENTATION - 3:45 P.M.:

PROCLAMATIONS - 4:15 P.M.:

- (A) Des Moines Jazz History Day
- (B) Italian Heritage Month
- (C) National Javits-Wagner-O'Day Week
- (D) White Cane Safety Day
- (E) Lupus Awareness Month

SPECIAL PRESENTATIONS - 4:15 P.M.:

Open World Russian Leadership Program 2002

INVOCATION: Tom Vlassis, Ward I Council Member

02-2384 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, and Vlassis. Absent: McPherson.**

02-2385 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2386 3. APPROVING CONSENT AGENDA - items 3 through 48: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

02-2387 4. The following Beer/Liquor Applications. **Moved by Vlassis to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(1) Loco Joes, 4100 Merle Hay Rd., B Beer.

- (2) Hoppers, 2515 Wedgewood Rd., C Liquor.
- (3) Des Moines Club, 666 Grand Avenue, A Liquor.

RENEWAL APPLICATIONS

- (4) Campbells Concessions, 3000 E Grand Avenue (Tourism Building), B Beer.
- (5) Campbells Concessions, 3000 E Grand Avenue (Pavillion), B Beer.
- (6) Apex Oil, 1200 SE 30th Street, C Beer.
- (7) Best Food Mart, 4028 E 14th Street, C Beer.
- (8) Git-N-Go Store #33, 865 42nd Street, C Beer.
- (9) Kartars Mini Mart, 3761 E University Avenue, C Beer.
- ~~(10) Arirang Restaurant, 5514 Douglas Avenue, C Beer/Wine.~~
- (11) Fleur Cinema & Cafe, 4545 Fleur Drive, C Beer/Wine.
- (12) Robins Wood Oven Grill, 6401 SE 14th Street, C Beer/Wine.
- (13) Taste of Thailand, 215 E Walnut Street, C Beer/Wine.
- (14) Blues on Grand, 1501 Grand Avenue, C Liquor.
- (15) Buzz, 214 3rd Street, C Liquor.
- (16) Drake Diner, 1111 25th Street, C Liquor.
- (17) G T Race Car Bar, 3013 Ingersoll Avenue, C Liquor.
- (18) Joe and Bettys, 1225 E 30th Street, C Liquor.
- (19) West End Lounge, 2309 Forest Avenue, C Liquor.
- (20) Zimms, 3124 Ingersoll Avenue, C Liquor.

TRANSFER TO NEW LOCATION

- (21) Blues on Grand, 1501 Grand Avenue, C Liquor License. Temporary transfer from 1501 Grand Avenue to 400 4th Street (Kirkwood Civic Center Hotel) on October 19, 2002 for the Central Iowa Blues Association Tenth Anniversary Celebration. Pending Building inspection.

02-2388 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2389 6. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

02-2390 7. Approving Amendment No. 1 to agreement with Veenstra & Kimm, Inc. to perform design phase services in conjunction with Bird's Run Combined Sewer Improvements, not to exceed \$94,467. ([Council Communication No. 02-523](#)). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson**

02-2391 8. Approving Iowa Department of Transportation Addendum to Predesign Agreement for design and reconstruction of I-235 to allow I-235 inspection and materials testing for sanitary sewer relocation and storm sewer outlet work. ([Council Communication No. 02-527](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

02-2392 9. Approving execution of an agreement for closing an areaway at 501 E. Locust Street with Preservation Properties, L.L.C. ([Council Communication No. 02-528](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2393 10. Approving Supplemental Agreement No. 2 with Veenstra & Kimm, Inc. to perform design services in connection with the Combined Sewer Overflow Metering Installation, not to exceed \$49,500. ([Council Communication No. 02-529](#)). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

11. Approving Private Construction Contracts for Brook Run Village Plat 8 as follows:

02-2394 (A) Construction of Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President), contractor and Brook Run L.C., (Tom Gratias, President), Owner, \$95,046. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2395 (B) Construction of Storm Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President), contractor and Brook Run L.C., (Tom Gratias, President), Owner, \$103,716. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2396 (C) Construction of Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President), contractor and Rottlund Homes, (Steve Thies, President), Owner, \$78,113.80. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2397 12. Approving private construction contract between The Underground Company, Ltd. (Duane Burkhardt, President, contractor) and Electro-Management, Inc. (Britt Baker, President, Owner) for construction of storm sewer improvements for an extension from South Union and

Livingston Streets to 1411 & 1419 SW 1st Street to serve new Baker Electric Company Warehouse, \$47,221.15. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2398 13. Approving partial payments on eight public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 6-1.**

14. Accepting completed construction and approving final payment of the following:

02-2399 (A) E. 14th Street and E. University Avenue Traffic Signal Upgrade, \$5,133.80 is now due and \$7,255.00 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2400 (B) 401 SE 6th Street (Irwin Chemical Building) Asbestos Removal, \$636.73 is now due and \$1,675.60 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2401 (C) Mac Rae Park Restroom, \$4,794.77 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

02-2402 15. Delete Sidewalk Repair, Replace and Reconstruct Assessment on Schedule No. 2002-33, Certificate No. 04-08293-00 in amount of \$654.44 against property at 1531 E. 12th Street, (assessment issued in error). **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2403 16. Deletion of NAC - Emergency Order Special Assessment on Schedule No. 2002-06, Certificate No. 00-08930-00 in an amount of \$476.66 against property at 1602 M. L. King Jr. Parkway, (assessment paid in full). **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

02-2404 17. Authorizing acquisition and relocation of property for the Agrimergent Technology Park Project - Phase 1 by gift, negotiation, or condemnation, \$1,800,000 plus closing costs. ([Council Communication No. 02-535](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

02-2405 18. Approve and accept real estate documents for property located at 901 East Park Avenue (Des Moines Independent Community School District) for the SE 8th Storm Sewer Replacement Project, \$1.00 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2406 19. Approving Tax Abatement Application for additional value added by improvements to 2712 River Ridge Road completed in 2001. ([Council Communication No. 02-533](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2407 20. Approval of final subdivision plat entitled AIRPORT BUSINESS PARK PLAT NO.

2 located east of Register Drive along Gannett Avenue. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-2408 21. Recommendation of Mayor Preston Daniels to reappoint Shirley Daniels to Seat 2 on the City Plan Commission for a five year term commencing July 1, 2002 to expire July 1, 2007. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2409 22. Recommendation of Council Member Archie Brooks to reappoint Steven Oberbroeckling to Seat 7 on the Access Advisory Board for a four year term commencing June 15, 2002 to expire June 15, 2006. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2410 23. Recommendation of Mayor Preston Daniels to appoint Sachiko Tamura Murphy to Seat 3 on the Sister Cities Commission for a five year term commencing April 28, 2002 to expire April 28, 2007. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2411 24. Communication from Emily Donovan advising of her resignation from the Licensing and Appeals Board, Seat 15, effective September 30, 2002. **Moved by Vlassis to receive, file and accept resignation with appreciation for service. Motion Carried 6-1.**

02-2412 25. Communication from Jean Bodenstedt advising of her resignation from the Public Housing Board, Seat 2, effective September 26, 2002. **Moved by Vlassis to receive, file and accept resignation with appreciation for service. Motion Carried 6-1.**

STREET CLOSURES

02-2413 26. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(1) Kay Runge, representing Public Library of Des Moines, requesting permission to close 11th Street from Grand Avenue to Locust Street on Thursday, October 25, 2002 at 12:00 noon to Saturday, October 26, 2002 at 6:00 PM for groundbreaking of new central library.

(2) Jesse Macro, representing Kingman Neighborhood, requesting permission to close Kingman Avenue from 57th Street to 58th Street on Saturday, October 19, 2002 from 4:00 PM to 6:30 PM for a neighborhood block party.

(3) Jim Worley, representing Lincoln High School Band, requesting permission to close SW 12th from Bell to Davis, Davis from SW 12th to SW 11th, Bell from SW 9th to SW 12th, SW 11th from Davis to Kirkwood on Saturday, October 19, 2002 (Raindate of Thursday, October 24, 2002) from 8:00 AM to 6:00 PM for state marching band contest.

CITY PLAN COMMISSION RECOMMENDATIONS

02-2414 27. Regarding Architectural Advisory Committee's recommendation for the Fleur Drive

Beautification Project. **Moved by Vlassis to receive, file and approve the design for the Fleur Drive Beautification project. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

28. On annexation of property south of Hubbell Avenue and west of NE 43rd Court, (10-21-02):

02-2415 (A) 100% Voluntary Annexation. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2416 (B) Voluntary Annexation including non-consenting properties. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2417 29. On Zoning Ordinance amendment regarding fences allowed on properties designated for single- and two-family use in "PUD" and "R-6" Districts, to clearly require every plan to identify fences allowed, (10-21-02). **Moved by Vlassis to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-2418 30. Approving payment of \$282.49 to Myers & Jenkins for representation in the Trans World Airlines, Inc. bankruptcy. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2419 31. Approving payment of \$274.95 to Ahlers Law Firm for services in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2420 32. Approving payment of \$88 to Ahlers Law Firm for services in conjunction with acquisition and litigation regarding environmentally contaminated properties for the Martin Luther King Jr. Parkway Project (DICO). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

02-2421 33. Approving payment of \$7,875.30 from Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2422 34. Approving settlement agreement with Kenneth Danley. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Hensley. Absent: McPherson.**

CITY MANAGER COMMUNICATIONS

02-2423 35. Submitting out-of-state travel requests for Michael Armstrong, Tim Campbell and Eric Anderson. ([Council Communication No. 02-519](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

02-2424 36. City of Des Moines 2002 Equal Opportunity Report and the Affirmative Action

Annual Work Plan submitted by the Human Resources Department. ([Council Communication No. 02-531](#)). **Moved by Hensley to receive, file and adopt. City Manager to provide comparison of these figures with the 2000 census figures. Motion Carried 6-1.**

02-2425 37. LIHEAP contract with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income persons from October 1, 2002 to September 30, 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2426 38. Award Modification of \$1,157,508 for the Des Moines Enterprise Community School-to-Work Program, extending the project from September 30, 2002 to December 31, 2002. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2427 39. Bid from O'Halloran International (Jim O'Halloran, President) for two 35,000 GVW trucks to be used by the Wastewater Reclamation Facility, \$182,637. (Seven bids mailed, three bids received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2428 40. Civil Service Entrance List for Fire Chief. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

02-2429 41. Authorizing Finance Director to draw checks on check registers of October 11 and October 18, 2002; and for bills of the Des Moines Municipal Housing Agency for the weeks of October 7 and October 14, 2002. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

02-2430 42. Amending Chapters 74 and 114 of the Municipal Code regarding Multi-use Recreational Trails. **Moved by Vlassis that this ordinance do now pass, [#14,141](#). Motion Carried 6-1.**

02-2431 (A) Approving Multi-Use Recreational Trails Maps. **Moved by Vlassis to approve. Motion Carried 6-1.**

43. On vacation of the following City property:

02-2432 (A) Grand to Locust, 11th to 12th, for the Library. **Moved by Vlassis that this ordinance do now pass, [#14,142](#). Motion Carried 6-1.**

02-2433 (B) Grand to Locust, 12th to 13th, for the Higher Education Learning Center. **Moved by Vlassis that this ordinance do now pass, [#14,143](#). Motion Carried 6-1.**

02-2434 44. Amending Chapter 98 of the Municipal Code regarding charges for collection of solid waste at multiple family dwellings. **Moved by Vlassis that this ordinance do now pass, [#14,144](#). Motion Carried 6-1.**

02-2435 45. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance do now pass, [#14,145](#). Motion Carried 6-1.**

- (1) Corner Clearance-West Side of SW 60th Street, North of Muskogee Avenue.
- (2) Repeal 20-Ton Load Limit-SW 9th Street Viaduct over Martin Luther King, Jr. Parkway.

ORDINANCES - SECOND CONSIDERATION

02-2436 46. On Zoning Ordinance amendments regarding use of barb wire and electric fences. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

02-2437 47. On vacation of a portion of E. Railroad Avenue right-of-way. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

02-2438 48. On vacation of E. Granger Avenue right-of-way between SE 37th and SE 38th Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

***** END CONSENT AGENDA *****

****Council considered Item 63 next****

ORDINANCES - FIRST CONSIDERATION

THIS ITEM WAS CONSIDERED AT 5:30 PM

02-2439 49. Amending Chapter 26 of the Municipal Code regarding real estate installment contract sales inspection. **Moved by Vlassis that this ordinance be considered and given first vote for passage, as amended. Section 26-242(3) shall read "within fourteen (14) days"; and the effective date of the ordinance shall be 1-1-2003. Motion Carried 6-1.**

02-2440 (A) Recommendation from the Neighborhood Revitalization Board. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

02-2441 (B) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, as amended, #14,146. Motion Carried 6-1.**

****Council considered Hearing items 55 thru 60 next****

02-2442 50. Amending Chapter 26 of the Municipal Code regarding frequency of inspections and fees for inspection of rental dwellings. ([Council Communication No. 02-520](#)). **Moved by**

Brooks that this ordinance be considered and given first vote for passage. City Manager to report on fee comparison with other communities. Motion Carried 6-1.

****Council considered Item 57 next****

51. Actions regarding reorganization of the Urban Development Board:

02-2443 (A) Receive and file letter from the State Historical Society of Iowa regarding the City's regulation of Local Landmarks. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

02-2444 (B) Final consideration of ordinance creating a new Urban Design Review Board, and Skywalk Committee, to perform duties formerly performed by the Urban Development Board and Architectural Advisory Committee, (amended to delay effective date until quorum is appointed to the board). **Moved by Coleman that this ordinance do now pass, and that the City Clerk withhold publication of this ordinance and Ordinance 14,135 until a quorum of members have been appointed to the Urban Design Review Board. Ordinance #14,147. Motion Carried 4-2-1. Nays: Cownie and Vlassis. Absent: McPherson.**

02-2445 (C) Assigning terms, qualifications and responsibility for appointment of members to the Urban Design Review Board and Skywalk Committee. **Moved by Coleman to adopt. Motion Carried 4-2-1. Nays: Cownie and Vlassis. Absent: McPherson.**

02-2446 (D) First consideration of ordinance changing the name of the Historic District Commission to Historic Preservation Commission and amending required qualification and training of its members. ([Council Communication No. 02-524](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Vlassis. Absent: McPherson.**

02-2447 (E) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,148. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

02-2448 52. Communication and petition regarding activity in and around R & R Lounge, 1018 E. 12th Street, and request that it be closed. **Moved by Coleman to receive, file and refer to City Manager, Legal and Police Chief for review and recommendation. Motion Carried 6-1.**

02-2449 53. From Aly Olson, 3001 Summit Vista Drive, to present a short speech promoting Des Moines. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1.**

02-2450 54. Gerry Rowland, 3521 Franklin Avenue, regarding safety improvements at Scott

Avenue Dam, large object trash pick-up at Harriet Street Dam and endorsement of the Des Moines River Water Trail. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager for review and recommendation. Motion Carried 6-1.**

****Council considered Items 61 thru end of agenda next****

HEARINGS (Opened at 6:58 P.M.) (Items 55 thru 60)

02-2451 55. On Waveland Golf Course Cart Paths: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Manatts Inc., (Bradford J. Manatt, President, Johnston), \$425,550. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2452 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2453 56. On resolution to REJECT all bids and close the hearing on the Vactor Building Roof Replacement, (one bid received - over estimate). **Moved by Hensley to adopt. Motion Carried 6-1.**

02-2454 (A) Resolution Ordering Construction of Vactor Building Roof Replacement, Receiving of Bids, (10-22-02), and Setting Date of Hearing, (11-04-02), (Construction Estimate - \$40,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

02-2455 57. On vacation and conveyance of a portion of 8th Street, south of University Avenue, to Neighborhood Development Corporation, \$9,000 and lot at 1170-8th Street, \$7,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2456 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

02-2457 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,149](#). Motion Carried 6-1.**

****Council considered Item 49 next****

02-2458 58. On request from Marc S. Harding, to rezone property at 6304 SW 12th Place, from "C-1" (Neighborhood Retail Commercial) to "R1-60" (One-Family Low-Density Residential). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

02-2459 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be**

considered and given first vote for passage. Motion Carried 6-1.

02-2460 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,150](#). Motion Carried 6-1.**

02-2461 59. On request from Hawthorn Hill Community Partners, LP, and Preservation Properties Land Company, LLC, to rezone property at 921 Pleasant Street, from "C-2" (General Retail and Highway-oriented Commercial, to "C-3R" (Central Business District Mixed-Residential District), for adaptive reuse of the existing building into 46 one-bedroom apartments utilizing Iowa Finance Authority Tax Credit Program, subject to conditions. **Moved by Hensley to continue the hearing to October 21, 2002 at 5:30 P.M. Motion Carried 6-1.**

WITHDRAWN 02-2462 (A) First consideration of ordinance above.

WITHDRAWN02-2463 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

02-2464 60. On request from Mark Lazar, to rezone property at 6100 SW 9th from "C-2" (General Retail and Highway-Oriented Commercial) and "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial) for a proposed 1,200 square foot building addition and parking lot expansion, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

02-2465 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

02-2466 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,151](#). Motion Carried 6-1.**

* * END HEARINGS at 7:10 P.M. * *
Council considered Items 51 thru 54 next

APPROVING

02-2467 61. Incentive Payment Program for construction of Martin Luther King, Jr. Parkway from the Raccoon River to Ingersoll Avenue for the following: ([Council Communication No. 02-526](#)). **Moved by Hensley to adopt the proposed incentive payment plan. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: McPherson.**

02-2468 (A) Ordering Construction of M.L. King, Jr. Parkway - Raccoon River to Ingersoll Avenue Grading and Sewer, Receiving of Bids, (IDOT), and Setting Date of Hearing, (11-18-02). (Construction Estimate - \$8,518,633.90). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: McPherson.**

02-2469 (B) Ordering Construction of M. L. King, Jr. Parkway - Grand Avenue Bridge Project, Receiving of Bids, (IDOT), and Setting Date of Hearing, (11-18-02). (Construction Estimate - \$2,057,867.40). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: McPherson.**

02-2470 (C) Ordering Construction of M. L. King, Jr. Parkway - Combined Grand Avenue Bridge and Raccoon River to Ingersoll Avenue Grading and Sewer, Receiving of Bids, (IDOT), and Setting Date of Hearing, (11-18-02). (Construction Estimate - \$10,576,501.30). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: McPherson.**

02-2471 62. Brick Salvage Policy to facilitate reuse of brick pavers in city neighborhoods and parks. ([Council Communication No. 02-521](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

02-2472 63. Revised Development Agreement with Woodland Avenue Partners, L.P. for development of Woodland Avenue Brickstone Apartment Project. ([Council Communication No. 02-530](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

02-2473 (A) Approving amendments to HOME documents for Woodland Avenue Brickstone. **Moved by Hensley to adopt. Motion Carried 6-1.**

****Council Considered Item 50 next****

02-2474 64. Professional Services Agreement with the Dunbar/Jones Partnership (Des Moines) to provide professional planning services for the completion of a park master plan for Ewing Park, \$24,250. ([Council Communication No. 02-522](#)). **Moved by Coleman to approve. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

02-2475 65. \$50,000 for Hoyt Sherman Place Theatre Restoration and Renovation Project. ([Council Communication No. 02-525](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2476 66. Agreement for assignment of the Skywalk Agreements for the Federal Home Loan Bank property to either the Des Moines School District or Nationwide Mutual Insurance Company releasing the Bank from further obligation. ([Council Communication No. 02-536](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2477 67. Communication from Community Development Director, advising of the need for revisions to the 2020 Community Character Land Use Plan for the recently annexed areas. ([Council Communication No. 02-532](#)). **Moved by Hensley to receive, file and refer to the Plan and Zoning Commission. Motion Carried 6-1.**

02-2478 68. Authorizing termination of Recyclable Materials Disposal Service Contract, with Metro Waste Authority. ([Council Communication No. 02-534](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

02-2479 1. Accepting and Approving Real Estate Offer to Point West L.L.C. for purchase of property interest at 1350 Market Street for the Martin Luther King, Jr. Parkway Project, East/West Segment - \$450,000 plus \$16,000 in escrowed funds and closing costs. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: McPherson.**

02-2480 2. Approving support of Youth Advisory Coordinating Board \$25,000 Grant Application to the Met Life Foundation Youth-City Connection, through the National League of Cities, to promote involvement of youth in civic affairs and outreach training. SPONSOR: Vlassis. **Moved by Vlassis to receive, file and support the grant application. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

October 7, 2002

02-2481 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

COMMUNICATION

1. Regarding demolition cost reserve escrowed for the following locations:

02-2482 (A) 3017 Carr Street. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1.**

02-2483 (B) 1322 SW Creston Avenue. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1.**

02-2484 (C) 1326 Idaho Street. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1.**

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:

02-2485 (A) 617 Douglas Avenue, (vacant) Titleholder: 617 Douglas Trust, Attn: Rachel Nelson, Trustee; Contract Buyers: Tammy J. Webb and Ron G. Chilton; and Legal Interest Buyers: Equicredit Corporation, Attn: Debbi Elliott, Consumer Affairs Supervisor. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2486 (B) 409 Franklin Avenue, (vacant) Titleholder: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1.**

WITHDRAWN02-2487 (C) 924 Walker Street, (occupied) Titleholder: Richard I. Vesole Trust, Attn: Richard I. Vesole, Trustee; and Contract Buyer: Casimiro Chamale.

3. The Engineering Department to remove the following structures:

WITHDRAWN02-2488 (A) 2913 Delaware, Titleholder: Roy Reha.

02-2489 (B) 1622 Martin Luther King Parkway, Titleholder: Life Limited to Faith in Jesus Christ, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2490 (C) 1532 6th Avenue, Titleholder: David Ekstrum. **Moved by Vlassis to adopt. Motion Carried 6-1.**

02-2491 (D) 1120 21st Street, Titleholder: Robert Evens. **Moved by Hensley to grant a 30-day extension. Motion Carried 6-1.**

02-2492 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:54 P.M. Motion Carried 6-1.**